

## **REMARKS**

This Amendment modifies the Request for Continued Examination (RCE) filed herewith.

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the present application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 1, 9, 15, and 23 have been amended, and new claims 30-32 have been added. Support for any claim amendments and new claims is found in the specification, claims, and drawings as originally filed, and no new matter has been added. Accordingly, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

### **Rejections**

#### **Rejection Under 35USC §112 Second Paragraph**

Claims 1-27 have been rejected under 35 USC §112, paragraph 2, as being indefinite for failing to particularly point and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1, 9, 15, and 23 have been amended to more clearly recite that the general printer driver is configured to launch a printing agent to initiate the query.

In view of the foregoing, it is submitted that the rejections under 35 USC §112, paragraph 2, have been overcome and should be withdrawn.

#### **Rejection Under 35USC §103**

Claims 1-3, 6-10, 13-17, 20-23, and 25-27 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata"). Applicants respectfully traverse the rejection and request reconsideration.

As to a rejection under §103(a), the U.S. Patent and Trademark Office ("USPTO") has the burden under §103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

The rejection of independent claim 1, and its dependent claims 2-3 and 6-8, is respectfully traversed for at least the following reasons. Claim 1 recites:

“1. (Currently amended) A method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:  
 calling a general printer driver directly from an application executed by the client computer;  
 transmitting a query from the client computer to a server via a network for an identification of the at least one available printer;  
 receiving an identification of the at least one available printer from the server;  
downloading a file from the server used to convert print data into a format specific to a selected one of the at least one available printer; and  
 wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the general printer driver is configured to launch a printing agent to initiate the

transmitting when the general printer driver is selected as the destination printer.” (emphasis added)

The Office has not established a *prima facie* case of obviousness at least because the applied references do not teach or suggest all of Applicant’s claim limitations. More specifically, there is no teaching or suggestion in the Iwata reference that a file used to convert print data into a format specific to a selected one of the at least one available printer is downloaded from a server.

In the Final Office Action, the Office states that paragraph [0258] of the Iwata reference teaches that the virtual printer driver 110 can be downloaded from a network server (Final Office Action, p.4), and equates the virtual printer driver 110 of the Iwata reference to the general printer driver recited in claim 1. However, the file (e.g. a printer specific PPD 68’ of Applicants’ Fig. 2) used to convert print data into a format specific to the selected printer is a different element of claim 1 than the general/virtual printer driver. Downloading the general printer driver does not teach or suggest downloading a file different from the general printer driver. In addition, the virtual printer driver 110 of the Iwata reference is not used to convert print data into a format specific to a selected printer, as recited in claim 1. Furthermore, a complete construction of the limitations of claim 1 requires that the file used to convert print data into a format specific to the selected printer be downloaded from the server after the selected printer is chosen from at least one available printer identified by the server in response to a query from a printing agent launched by the general printer driver when the general printer driver is selected as the destination printer in a print menu of an application. Such an operation clearly would be impossible if the general printer driver itself has not yet been downloaded from the server.

In the Advisory Action, the Office references paragraph [0195] of the Iwata reference, which discloses that the distributed printing utility 120 can be downloaded from a network server, and states that “one skilled in the art can interpret the distributed printing utility 120 as a file downloaded from a server to facilitate the printing of a document” (Advisory Action, continuation of 11). Regardless of to whatever extent, if any, this assertion is correct, however,

the distributed printing utility 120 of the Iwata reference is not used to convert print data into a format specific to a selected printer, as recited in claim 1.

The Iwata reference teaches that converting print data into a format specific to a selected printer is performed not by virtual printer driver 110 or distributed printing utility 120, but rather by real printer drivers 130,140,150:

“The real printer drivers 130, 140, and 150 cause the final print data to undergo a required series of processing, such as color conversion or halftoning, suitable for each printer, which is not carried out by the virtual printer driver, and transmit the processed final print data to the corresponding printers 60, 70, and 80.” (para. [0148]; emphasis added)

Applicants further note that there is no teaching or suggestion in the Iwata reference that any of the real printer drivers 130,140,150 are downloaded from a server, as recited in claim 1.

Applicants respectfully traverse the Office’s assertion that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the claimed features of Applicants’ invention. Such could be possible only in hindsight and in light of Applicants’ teachings. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Independent claims 9, 15, and 23 each recite limitations similar to those of claim 1, discussed above, and were rejected by the Office on the same basis as claim 1. For similar reasons as explained heretofore with regard to claim 1, the features of the present invention are not taught or suggested by the cited reference. Applicants respectfully traverse the Office’s assertion that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the claimed features of Applicants’ invention. Such could be possible only in hindsight and in light of Applicants’ teachings. Therefore, the rejection of independent claims 9, 15, and 23, and their corresponding dependent claims 10, 13-14, 16-17, 20-22, and 25-27, is improper at least for that reason and should be withdrawn.

Claims 4-5, 11-12, 18-19, and 24 have been rejected under 35 USC §103 (a), as being

unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata") in view of U.S. patent 5,580,177 to Gase et al. ("Gase"). Applicants respectfully traverse the rejection and request reconsideration based on the dependence of these claims on independent claims 1, 9, 15, and 23, whose reasons for allowability over the Iwata reference have been discussed heretofore and against which the Gase reference has not been cited.

### **Conclusion**

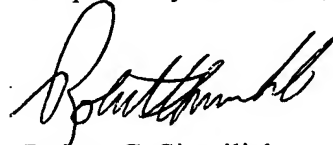
Attorney for Applicants has reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

**AUTHORIZATION TO PAY AND PETITION  
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



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